

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARRELL W. JENKINS,

Defendant.

4:15-CR-3079

ORDER

The Court has received correspondence from the defendant ([filing 63](#)) that it has construed as a motion to appoint counsel. That motion will be denied. Because the defendant has filed a notice of appeal ([filing 61](#)), this case has moved from this Court to the U.S. Court of Appeals for the Eighth Circuit. Accordingly, any motion for appointment of counsel should be directed to the Eighth Circuit under 8th Cir. R. 27A.

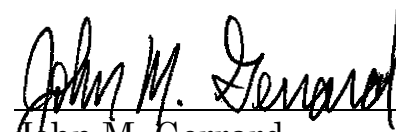
The Court notes that the defendant's letter also complains about prison officials opening his legal mail, and that he is not getting the medical care he believes he needs. The opening of legal mail may implicate a prisoner's constitutional rights. See [Wolff v. McDonnell](#), 418 U.S. 574-75 (1974). And of course, the government has an obligation to provide adequate medical care to prisoners. [Estelle v. Gamble](#), 429 U.S. 97, 103-04 (1976).

But any claim for alleged violation of the defendant's civil rights must be brought as a civil rights claim in the appropriate court—presumably, in the judicial district where the defendant is incarcerated. See [18 U.S.C. § 1391\(e\)\(1\)](#).

IT IS ORDERED that the defendant's motion to appointment of counsel ([filing 63](#)) is denied.

Dated this 13th day of November, 2019.

BY THE COURT:

  
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John M. Gerrard  
Chief United States District Judge